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October 13, 2015

VIA ECF AND FEDERAL EXPRESS

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: In re J. Ezra Merkin and BDO Seidman Secs. Litig., No. 08 Civ. 10922
(DAB), Croscill Inc. v. Gabriel Capital, L.P., No. 09 Civ. 6031 (DAB), and
Morris Fuchs Holdings, LLC v. Gabriel Capital, L.P., No. 09 Civ. 6483
(DAB) (S.D.N.Y.)

Dear Judge Batts:

We represent the BDO defendants. You extended our time to submit a further memorandum concerning the application of SLUSA in light of recent Second Circuit precedent and concerning issues of subject matter jurisdiction. That extension expires this Monday, October 18.

I am pleased to report that the parties have reached an agreement in principle to settle this litigation. They are now documenting that settlement. With the concurrence of counsel for class plaintiffs, we request a further thirty-day adjournment. This is the second request for an adjournment as further described above.

The parties thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ira G. Greenberg".
Ira G. Greenberg

cc: All counsel (via ECF)